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**Board Meeting – May 6, 2013**

**21<sup>st</sup> Floor – Conference Room 1**

**Present Board Members:**

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Carol Steinberg, Member (CS)
- Mark Trivett, Member (MT)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

**Members Not Present:**

- Andrew Bedar, Member (AB)
- Gerald LeBlanc, Member (GL)

- Meeting began at 9:00 a.m.

1) **Incoming:** Cycling and Fitness, 25 Youngs Way, Nantucket (V13-103)

TH - EXHIBIT – variance application

- new construction
- first floor 1915 sf second floor 1442 sf
- 70% complete

- seeking relief for no elevator, but will install a compliant vertical wheelchair lift
- letter from the Nantucket Commission on Disability
- lease expires May 31<sup>st</sup>, would like to contact Building Inspector, to allow opening the building at the new location, lift will be in by August 1, 2013

*DM - grant use of the lift*

*MT - second – carries with CS opposed*

*MB - grant temporary CO until August 15, 2013*

*MT - second – carries*

2) Incoming: Petra Somerville/Brooklyn Boulders, 12A Tyler St. aka 40 Park St., Somerville (V13-121)

TH - EXHIBIT – variance application

- fitness climbing facility
- seeking time variance for installation of LULA to the mezzanine
- also seeking to waive two week waiting period
- had to fire contractor because of issues with the initial pit for the LULA

*CS - waiving the two week waiving period*

*DM - second – carries*

TH - buildings main floor is 30,000 sf, mezzanine is 8000 sf

- seeking temporary CO for June 1<sup>st</sup>
- three stop LULA to be completed by mid July

*CS - grant time variance to July 1, 2013*

*MB - second – amend to August 1, 2013*

*CS - accept - carries*

3) Incoming Discussion: The Kensington, 665 Washington St., Boston (V13-093)

TH - EXHIBIT – engineering study

- submittal of engineering study as required, per the April 22, 2013 motion of the Board during that administrative review

*MB - accept the report and the fact that the structural integrity of the wall can support that unit*

*DM - second – carries*

4) Incoming: Woodland School, 80 Powder Mill Road, Southwick (V13-097)

TH - EXHIBIT – variance application

- reconstruction and remodeling to school
- spending well over 30%
- seeking two variances
- section 12.4a

- Section 30.16.2
- height of classroom sinks and lower heights for toilet for pre-k and kindergarten classroom

*MB - grant, as proposed*

*DM - second - carries*

5) Incoming: Yogurtland, 1231 Center St., Newton (V13-107)

- TH - EXHIBIT – variance application
- new yogurt shop
  - sloped landing at interior and exterior
  - entry way slope will be 1:13, proposing automatic door opener
  - work performed case, dividing one tenant space and creating new entrance

*MB - grant as proposed*

*MT - second – carries*

6) Incoming: Springhill Apartments, 419 Great Road, Acton (V13-123)

- TH - EXHIBIT – variance application
- petitioner asks to waive two week waiting period
  - got a call from the Disability Commission, they are in support of the request

*DM - waive two week waiting period*

*MB - second – carries*

- TH - new construction
- ramp into the building at one end, at grade entrance at the other end
  - accessible parking
  - at the ramp, there are some spot problems with the slopes
  - first variance for 24.2.1, for some running slope areas

*MB – grant ramp slope*

*MT - second – carries*

- TH - requirement for accessible parking
- in the location that parking exists, there are problems with slopes
  - propose locating parking across from the entrance ramp instead of at the entrance ramp

- **Gerald LeBlanc, Member (GL) – now present -**

- CS - why not both spots

- for some people, being close to the ramp is a little more important

*MB - grant the variance for the existing noncompliant slope at the existing two accessible parking spaces, on the condition that a van accessible space is provided across from the entrance; and that a clear accessible path is provided (i.e. it is plowed during winter months)*

*CS - second – carries*

7) Discussion: Fairbanks Family House Museum, 511 East St., Dedham (V12-247)

TH - EXHIBIT – pictures from Petitioners of the walkway  
- Kate sent email about entrance walkway

KS - no response yet about entrance

TH - need to clarify the entrance

*DM - accept the walkway, can open now, on the condition that the entrance walkway is completed and verified by May 30, 2013*

*MT - second – carries*

*DM - expedite*

*MT - second - carries*

8) Discussion: Professional Building, 468 Merrimac St., Methuen (V12-153)

TH - EXHIBIT – recent submittals  
- different methods of vertical access proposed  
- order issued in December of 2012 requiring LULA  
- recently issued stop work order for the work on the lift, because they submitted documentation that lift proposed  
- now again, proposing LULA  
- asking for stop work order to be lifted so they can install the LULA  
- granted temporary occupancy in December, but want to extend  
- LULA plan shows 40” x 49 ¼”  
- going to be another 3 months to install

*MB - extend temporary CO to December 1, 2013, will expire on that day if lift not installed inspected and in working order*

*MT - second – carries*

TH - ordering it tomorrow, still issue with cab size, but proposing to have it ordered for fabrication May 7<sup>th</sup>

*CS - grant the variance for the cab size of the LULA, on the condition that the doors are automatic, and that they submit an amendment requesting the cab size variance, within 30 days receipt*

*DM - second – carries with MB opposed*

*MT - expedite*

*DM - second – carries with MB opposed*

9) Discussion: 154 Maverick St., East Boston (V10-180)

TH - EXHIBIT- recent letter from Petitioners

- March 1, 2013 deadline for the lift to be installed

- recent letter included photos showing the work underway, also a permit from the Elevator Board for the installation of the lift

- seek an extension to allow the project to move along, and tying it to the certificate of occupancy for the building, so it will be in by the time that the building is granted a CO

*MB - grant an extension of the deadline for compliance, to be concurrent with the issuance of a certificate of occupancy, with a copy of the inspection certificate to be submitted*

*MT - second – carries*

10) Discussion: 11 North Restaurant, 11 North Water St., Edgartown (V12-206)

TH - EXHIBIT – recent email to TH

- creating footings for the ramp was a problem, proposed incline lift

- missed the deadline for the installation of the lift

- summer work prohibition is upon them, can't work at the exterior of the building during summer months/tourist season

- lead time for the lift is now 2-3 months

*MB - extend the time variance for the installation of the lift to November 1, 2013, at which time we will expect photographs and inspection certificate to be submitted, if not received by November 1, 2013, will issue cease and desist and schedule a fine hearing*

*DM - second –*

*WW - temporary CO?*

*TH - on December 17, 2012, extended current CO to April 1, 2013, never submitted documentation*

*MB – rescind*

*DM - second rescind*

*MB - extend time variance and temporary CO for installation of the lift to November 1, 2013 and policies by November 1, 2013, if everything is not in place by November 1, 2013, will not extend temporary CO; will notify the Building Department of rescinding CO*

*DM - second – carries*

*NO WALTER, DIANE AS CHAIR*

11) Incoming: Kintish Chiropractic, 58 Dodge St., Beverly (V13-098)

TH - EXHIBIT – variance application  
- received variance on April 8<sup>th</sup>  
- seeking to remove accessible parking in front of his commercial condominium  
- on April 29<sup>th</sup>, received letter from attorney for Condo association that Kintish cannot request variance for this item

*MB - take no action, based on lack of authorization from building owner for petitioner to make that request*

*MT - second – carries (DM as Chair)*

12) Incoming Discussion: Commercial Condos, 33 Highland Ave., Needham (V13-092)

TH - originally presented at April 22<sup>nd</sup> meeting  
- spending is \$50,000.00  
- attorney for proposed tenant, seeks variance to remove accessible parking space at the front of the building  
- seeking variance for the slope of the parking space, which was reported to be 3.5%

*MB - denial of the removal of the space, and grant relief to the slope*

*GL - second – carries (DM as Chair)*

- WW back as chair –

13) Discussion: Villa Victoria Center for the Arts, 85 West Newton St., Boston (V09-175 and V12-282)

TH - EXHIBIT – letter dated April 10, 2013  
- architect is now Andrew St. John  
- granted to July 1, 2013 for the lift to the stage and the toilet rooms, on the condition that submittal of contract and check, and pictures of ongoing work  
- received check and contract for the lift, but no pictures of ongoing work  
- need to confirm work is done via a site visit on July 1<sup>st</sup>

*MB - reaffirm July 1, 2013 compliance date, with a caution that if compliance is not met by July 1, 2013, because of the failure to produce credible evidence as to the progress to be made on the installation of the lift, as of July 1, 2013, if we do not received evidence of completion of the required work, we will have staff at the premises on July 2, 2013 to determine if compliance has been achieved and if not, a cease and desist order will be issued*

*MT - second – carries*

14) Incoming: Proposed 8-family dwelling, 111 B St., South Boston (V13-106)

TH - EXHIBIT – variance application

- new construction
- seeking variance for installation of lift to provide access to first level
- platform lift is proposed to be 36” by 48”

*MB - grant the use of the vertical wheelchair lift, on the condition that the platform size complies, platform size in proposal does not comply; and notification of the installation and inspection of the lift must be received by the Board prior to the issuance of an occupancy*

*MT - second – carries*

15) Incoming: City of Cambridge, Sidewalk widths at trees, six street locations, Cambridge (V13-104)

- TH - EXHIBIT – variance application- Exhibits A-G
- seven applications, would have to cut down hundreds of trees to create compliant path of travel

MB - is there a way to take some land to create path of travel around the trees

- TH - suggesting signage at the end of the tree about paths of travel
- letter from the commission in support of the variances

*MT - grant as proposed*

*GL - second – carries*

16) Discussion: Fairbanks House, Dedham

- TH - EXHIBIT – email from Allen Blood dated today at 9:49 a.m.
- plan to complete the walkway to the front door
  - propose to complete the work on Tuesday and Wednesday to grave down the existing stones and complete the paved walkway by the end of this week

KS - previous motion is ok then

17) Discussion: Outdoor Elevator, West Columbus Avenue, Springfield (C11-119)

- TH - EXHIBITS – submittals from the City and the Complainant, Sheila McElwaine
- costs to fix the elevator was \$600,000.00, also submitted cost for tearing down the elevator and creating ramp, like the other end of the bridge
  - the Board made a motion to require the ramp
  - ramp project and tear down of the elevator same cost of \$600,000.00
  - follow-up letter sent to the City to find status
  - City’s response noted keeping the elevator working for the time being, now proposing to complete the work by 2015
  - Ms. McElwaine noted that the funding for the accessible parking violations is a lot of money and could help pay for the ramp work (\$400,000)

RG - why not just keep the elevator up and block it off to save some money

TH - elevator is in the location where the ramp needs to be placed

*MB - grant until December 1, 2015 for completion of the ramp; construction is to coincide with improvements to the alternate route, to ensure an accessible surface along that accessible route*

*DM - second - carries*

18) Incoming: C & G Equipment, 188 Main St., Wilmington (V13-096)

TH - EXHIBIT – variance application  
- two story building, first floor retail and shopping  
- second floor is dental and additional shopping spaces  
- proposed LULA to serve the building  
- health care provider, therefore need the variance

*MB - grant*

*CS - second – carries*

19) Incoming Discussion: Ingles Restoration de la Trinity, 1272 Blue Hill Ave., Mattapan (V12-112)

TH - sent in request for extension (EXHIBIT)  
- originally ordered to have the lift in place by July of 2013

MB - any fundraising done?

TH - haven't gotten any of that

TH - seeking extension due to financial difficulty; had to cut down trees due to winter damage

*DM - grant the extension to June 1, 2014, on the condition that plan for fundraising during the next year, and progress reports, starting September 1, 2013 and every three months thereafter; and a written cost estimate for the work from the company*

*MB - second – carries*

20) Incoming: New England Oral Surgery, 2 Andover Rd., Billerica (V13-102)

TH - EXHIBIT – variance application  
- spending \$500,000.00; over 30%  
- seeking 4 variances  
- 25.1 for main entrance to the house  
- accessible entrance to the side will be primary entrance and enters into the main waiting area  
- however they are providing a deck at the main entrance with two areas of rescue assistance

*MB - grant relief for the lack of access at the existing main entrance*

*MT - second – carries*



TH - next variance is for the entrance to the right of the front entrance

*MB - grant the variance to the right of the main entrance for noncompliance, based on exc. cost without substantial benefit*

*MT - second – carries*

TH - front entrance doors, two doors, not required clearance, only 30 inches  
- not used as an entrance to the facility

*DM - grant, variance for the lack of compliant width at the front entrance historic doors*

*MT - second – on the condition that directional signage posted at the door – carries*

TH - section 27, for the inner handrail, newels and balusters, providing wall side compliant handrails

*MT - grant variance for lack of compliant inner handrails, on the condition compliant wall side handrails provided as proposed*

*DM - second – carries*

TH - last variance is for the lack of vertical access to the second floor

*MB - grant, on the condition that written plan submitted to the Board that same services at the first floor as on the second*

*DM - second – carries*

TH - husband and wife couple, did the application on their own, with a little help from their architect  
- working out of a building with no access, reason for plan for access

## 21) Hearing: Church, 53 Erie Street, Boston (V13-001)

WW - called to order at 11:05 a.m.  
- introduce the Board

Reverence Edward Ashby (EA)  
Cecil Hansel, CH

WW - both sworn in  
- EXHIBIT 1 – AAB1-44  
- four variances: 29.1, changes in level; 25.1, entrances; 27.1, stairs and handrails; and 30.1, accessible public toilet rooms  
- jurisdiction is 3.3.2, over 30%

CH - AAB24, this work has been done  
WW - fully compliant  
- City of Boston has inspected

- a few inches short with toilet room; AAB24, was built to be 6 by 5

WW - change in level, addressed by ramp  
- second variance, also complies with 25.1

CH - did not have the doors swinging out, reversed the swing of the doors, but only have 25" versus the 48"

WW - any other items addressed and compliant  
- stairs and handrails?

CH - stairs up to the altar  
- altar just being accessed by the minister

MB - toilet room first

CS - any photos of the completed work  
- when was the work done

DM - AAB38 pictures  
CH - no pictures of the ramp

WW - when was the ramp done?  
EA - was done in February

CS - need pictures of the ramp and verification of the slope of the ramp

WW - does ramp plan have dimensions, plan is stamped by architect  
- side view of ramp  
CH - section A is section to it

WW - EXHIBIT 2, full size plans

MT - overall change in level?  
CH - 6 inches

WW - one handrail is round and the upper handrail is not

CS - *continue the variance discussion regarding 29.1, for the change in level from sanctuary to toilet rooms, and require photographs of the existing ramp by May 17, 2013*

MB - *second – carries*

WW - issue of change in level from sanctuary to the altar  
- how high above the floor

CH - 1'6"

- not intending to make accessible

EA - only place for the minister, no members of the congregation onto the altar

MB - congregation is not allowed up onto the altar?

CS - congregation speaks from main level?

EA - yes

CS - *grant*

- *withdraw*

CS - would like to see what it looks like

CS - *continue the discussion regarding the lack of access to the altar, to have pictures submitted by May 17, 2013*

RG - *second –carries*

WW - any other changes in level?

CH – no

CH - don't have 4' between the double doors

WW - no stairs to that doorway?

CH - no, same level, entrance is at grade

MB - only 25" provided between the doors

CH - don't have 7 feet between the doors

- inside door now swings out

- yes, only 25"

CS - can you do automatic door openers?

EA - swinging both sets of doors out now

- all of the doors now swing out

- when it was originally done, doors swung in

- changed the doors to swing in, then cut down on the space between the doors

WW - should have been built at 7 feet anyways

CH - corner of the door almost hits the ramp if the doors swing in

CS - how much spent on the project?

- would time to put the auto-openers in help

EA - finished in a way that it can be occupied, but been trying to get into the building for the past 7 years

CS - *grant the variance for the lack of clear width at the vestibule, on the condition that automatic door openers installed within a year of the occupancy permit issuance*

MB - *second – carries*

WW - stairs and handrails, 27.1

CH - stair up to the altar

- second floor?

CH - no

MB - *continue the variance regarding the stairs and handrails to the altar to see the pictures of the stairs to the altar, by May 17, 2013*

DM - *second – carries*

WW - toilet rooms

CH - 72" by 90" required, it is 6' by 5'

GL - also issue of the flush at the toilet, AAB41, flush has to be on the other side

WW - double-check the height of the toilet

- does not look higher

- need to know that the toilet height complies as well

MT - need to know the interior dimensions of the toilet room

- grab bar heights and location and height of toilet rooms

MB - agree with MT, need all of the dimensions, need to figure out how the fixtures are laid out

- need to know if the fixtures are accessible within this overall dimension of the toilet room

CS - why not make it a larger bathroom

TH - plumbing board may require the toilets for the fixture count

EA - explain layout of the toilet room

WW - still need dimensions

CS - *continue the issue of the toilet room, with dimensional plans and photos submitted by May 17, 2013*

DM - *second – carries*

TH - returning additional \$50 check for the variance

- handing it back to the Petitioners

DM - *expedite*

RG - second – carries

22) Incoming: Unitarian Church, 121 North Pleasant St., Amherst (V13-101)

- TH - EXHIBIT – variance application
- two-story house of worship
  - spending over 30%
  - letter from Commission on Disability in support of the variance request
  - plans show existing lower and upper level, and proposals
  - putting addition on the building with elevator to make both levels accessible
  - providing accessible toilet rooms
  - seeking variance for historic front entrance to the church (25.1)
  - starting location for the ramp to the elevator lobby is adjacent to the existing historic entrance
  - cost to comply is \$42,000+

DM - *grant the variance for the lack of historic entrance, on the condition that accessible entrance provided as proposed*

MB - second - carries

- TH - doors and doorways, section 26
- clear door width is less than 32” at the main entrance, historic doors

DM - *grant door widths at historic doors, on the condition that compliant hardware as proposed*

RG - second – carries

- TH - seeking variance for door threshold at historic front entrance

DM - *grant variance for door threshold at historic main entrance*

MB - second – carries

- TH - in the sanctuary, there is a small raised seating area
- plans show the design with and without a ramp
  - small area
  - accessible seating is provided within the main sanctuary space
  - cost to create ramp is \$7,055

MB - *grant the variance for the lack of access to the raised seating area, based on exc. cost without benefit*

DM - second – carries

- TH - public toilet rooms at lower level of existing building
- seeking variance to not provide accessible bathrooms at this location, based on the fact that accessible toilet rooms will be provided
  - \$6,526 to remove and cap the toilets

- just want to leave them

*MB - grant leaving both toilet rooms in the basement level, based on exc. cost without benefit*

*MT - second – carries, CS abstains*

TH - last variance, building a new kitchen that is fully accessible  
- existing kitchen sink and countertop at lower level of existing  
- asking to maintain the lower level kitchen, cost to comply is \$3,000+  
- lower level kitchen will be used by staff only  
- issue with “staff only”

*MB - deny variance for lack of access to second lower level kitchen*

*DM - second – carries, CS abstains*

23) Hearing: Woodland Dormitory, LaSalle College, 216 Woodland Road, Newton (V13-039)

WW - call the hearing to order at 1 p.m.

- introduce the Board

Paul MacNeely, Elk MacNeely Architects – Representing LaSalle College (PM)

WW - PM sworn in

- EXHIBIT 1 – AAB1-32

PM - 4 story masonry building

- 74 dorm rooms

- completely inaccessible currently, goal is to make it accessible

- first phase will create at grade entrance to the building

- 4-stop elevator

- renovating common rooms and toilet rooms

- making 6 accessible dorm rooms

- 68 other dorm rooms do not have compliant width doorways, which exist within concrete block walls

- 29 ½ inches provided

- campus wide, there are 350 accessible rooms

- in order to make the dorm rooms in question accessible, it would cost \$210,000.00: removal of doors, cutting concrete walls, and installing new doors and hardware

- would like to see that \$210,000 spent elsewhere on campus

WW - offset hinges?

PM - originally also discussed offset hinges, but concerned about abuse of doors

CS - cost of hinges?

PM - diagram but no cost

- PM - approval from Newton Commission on Disability
- TH - cost of offset hinges?  
PM – don't have that cost yet
- CS - 29 ½ without offset hinges; 30 ¾ with offset hinges
- RG - AAB14 and 15, door knobs
- PM - accessible rooms door hardware will be changed
- DM - dorm room to dorm room is an important allowance  
- need the offset hinges
- MB - spending \$7.4 million on this building  
- offset hinges and accessible door hardware are not an excessive cost, there is definitely a substantial benefit

*DM - deny the variance, on condition*

*MB - should be grant with conditions*

*DM - grant, on the condition that offset hinges and lever door hardware provided at all doors in question*

*MB - second – carries*

24) Incoming: Berkshire Pulse, 420 Park St., Third Floor Tenant, Great Barrington (V13-100)

- TH - EXHIBIT – variance application  
- Berkshire Pulse dance company located at several different locations currently, now proposing to occupy the third floor of this building in question and combine all the dance company locations here  
- historic building, originally proposed no access  
- freight elevator in the building, can't be modified for public use  
- on April 30<sup>th</sup> and May 2<sup>nd</sup>, received a series of emails now proposing a 3-stop LULA  
- letter from owner in support of the LULA being installed  
- seeking time to install the LULA  
- propose to start the renovations to the first floor and open in August of 2013  
- want 5 years beyond the opening timeframe, so August of 2018  
- submitted Garaventa quotation agreement  
- they have come a long way from no access  
- also seeking temporary CO  
- accessible bathrooms at the third floor also proposed
- MB - really offensive that they are spending \$290,000.00 on life safety upgrades  
- Town supported lack of access; and variance now vertical access not to be completed for 5 years

CS - allow one year from the issuance of the temporary certificate of occupancy to have the space comply in full (i.e. LULA and bathrooms); occupancy permit shall be temporary, progress reports, starting 3 months after their initial occupancy

CS - grant the use of the LULA, on the condition that it meets all state requirements

GL - second –

WW - over the life of the building, this seems like a short time frame  
- motion carries

CS - allow one year from issuance of certificate of occupancy to have the space comply in full (i.e. LULA and bathrooms as proposed); occupancy permit shall be temporary; progress reports, starting 3 months after initial occupancy

MB - second - carries

25) Incoming: The Boulders, 156 Brittany Manor, South Amherst (V13-105)

TH - EXHIBIT – variance application  
- no plans or photographs of the building  
- not over 30%, so work performed  
- variances for entryways

CS - continue for building plans, analysis of spending

MB - second – is it public housing or market rate  
- carries

26) Incoming: 699 Boylston St., Boston (V13-105)

TH - EXHIBIT – variance application  
- brought at previous meeting about sidewalk demonstration project  
- project of sidewalks, City portion of the sidewalk then private portion of the sidewalk  
- this is something that may be repeated going down Boylston Street  
- cross slope in private zone, seeking variance  
- sidewalk cross slope will be 1.5%, furniture zone will be 1.8%  
- areas where it is greater than 5% at entrances into the building, seeking variance to not provide handrails at these locations where the slope is more than 5%

CS - grant the variances for less than 2%  
- withdraw

MB - grant cross slopes in private zone, as proposed

MT - second – carries

TH - second request is for the lack of handrails at the entrance



*CS - grant as proposed, on the condition that auto-openers are installed*

*DM - second - carries*

27) Incoming Discussion: Oliveira's Restaurant, 749 Broadway, Everett (V13-091)

- TH - originally presented on April 22, 2013  
- partial application wasn't done, but architect conceded that they were over 30%  
- sent a notice of action out on 4/25, and met with the architect on April 30<sup>th</sup>  
- requested plan and analysis of 3.3.2  
- May 1<sup>st</sup>, diagrammatic plan submitted

MB - open?

TH - yes, been opened for awhile

- TH - sent a list that there are 9 problems in the men's restroom  
- 8 problems in the women's restroom

*CS - hearing, on the condition that pre-submittal of stamped plans with dimensions prior to hearing*

*DM - second – carries*

28) Incoming Discussion: Arlington 360, located at 4105 Symmes Circle, Arlington (V13-074)

- TH - EXHIBIT – variance application  
- originally presented on April 8<sup>th</sup>  
- new housing  
- 176 units, 9 will be Group 2A, with remaining being Group 1, with the exception of 31 townhouses  
- kitchen sink depths variance, owner will have required shallow sinks

*MB - grant as proposed*

*MT - second – carries*

- TH - 9.5.6, (39.4), electrical outlets less than 18"  
- due to conflicts with FHA and Electrical Codes; AAB requires outlets 18", Electrical Code requires 48"  
- some instances where the outlets are located closer than 18" from interior corners, in all circumstances, there are compliant outlets at other locations above the counter on the same wall

*DM - grant on the distance of the outlets*

*GL - second – carries*

- TH - last request  
- access to the pool deck  
- pool sits on top of the lower level of the garage, which is 8 feet 6 inches lower than the courtyard  
- also plan for a ramp

*DM - grant the use of the lift, on the condition that it is covered, and or designed to be out in the elements*

*GL - second –carries*

29) Incoming Discussion: Mixed Use, Retail, Office and Health Club, 200 Boylston St., Chestnut Hill (V13-072)

TH - originally presented on 4/22/13

MB - they are currently open

TH - on 4/8/13 presented this, and the proposed the installation of the LULA, for providing access from entry to the health club

- House elevators to locker room, then LULA from locker room to pool deck

- asked them to confirm what the access to the pool was

- portable pool lift

- denied the use of the “Pool Pal”

CS - does ADA say can’t be portable?

TH - no, just says independently used

- independent use, means can’t be portable

*CS - deny the use of the portable lift, since not independently operated*

*MB - second – carries*

*CS - require submittal of plan for device to access the pool that is independently operable by May 17<sup>th</sup>*

*MB - second – carries*

30) Hearing: Phi Beta Epsilon House, 400 Memorial Drive, Cambridge (V13-037)

WW - called to order at 2:20 p.m.

- no one here showed up for the hearing

TH - the Board voted to schedule a hearing on the variance request (AAB2)

- on Friday, May 3<sup>rd</sup>, contacted by the architect of record, Ray Porfillio

- they wanted to withdraw the variance, since they believed that they had found a solution to the original items that they were requested variances for (25.1, 26.1, and 31.1)

- wanted a narrative to be submitted by the applicant to verify the work to be done

- received email on Saturday with letter dated May 3, 2013, seeking to withdraw the variance; application was related to proposed conditions of the building

- Item #1, Section 25, the existing entrance (AAB17) will be designed and designated for egress only

- Item #2, there will be no exterior hardware at the exterior doors

- Item #3, toilet rooms

MT - hearing schedules

(Tape)

MB - need further clarification about gang bathrooms or bathrooms within the room

*MB - continue the hearing to get more information regarding the toilet rooms and egress doors*

*MT - second – carries*

31) Discussion: Sidewalk at Stockbridge Road and Old Driftway, Scituate (C10-077)

*MT - hearing*

*RG - second –*

*KS - will send site visit report to all parties concerned with hearing notice*

*-carries*

**- No more DM -**

32) Discussion: Deluca's Market, 7-17 Charles Street, Boston (V11-232)

TH - last hearing had Virgil Aiello appear about location of LULA to be installed by May 1, 2013

- was supposed to submit all information regarding the proposed LULA (contract, deposit check, stamped plans for the location of the LULA)

- first approval was for the location of a LULA with an adjacent accessible toilet room at the first floor, and asked to open the wine cellar

- the board accepted the design and allowed opening of the wine cellar, on the condition that searchable database is provided and it is confirmed that it is in place

- made multiple trips to the store to find that the computer was not there

- recent submittal of picture of the laptop at the upper level landing entrance to the basement level wine cellar

- there is signage at the street level, saying that the store is opening soon

- just submitted plans of newly proposed vertical wheelchair lift, but only shows location, no shop drawings or dimensions on the plan

- now proposing vertical wheelchair lift, with no context of where this is put into the store space

MB - plans show clearly the problems in the lower level

- changes in level at the lower level

TH - the stair shown, at the entrance lobby, with steps down to the wine cellar

- then there are steps up above the floor level that is accessed by the stairs

WW - no idea about the sizes of the lift either

MB - shop drawings a lift, which was a generic piece of equipment

WW - could approve location of the lift at the stairs in theory, but would need more information about the proposed lift

MB - don't know why a compliant nice vertical wheelchair lift would not be accepted, but  
- more concerns than just the lift, it may get you to the lower level, but does not address the changes in level

TH - need to have timely completion of vertical access and changes in level and verification of building accessible toilet room

*MB - need exact dimensions of the lift, not shop drawings, and how the lift fits in the building; and specific mitigations for changes in level and the location of the bathroom and the dimensions of that; need the specifics of the lift and the design of the lift and the shop drawings for the specific design, and how it lays out in the store itself and the mitigation for the changes in level at the lower level; therefore continue to have that information submitted by May 17, 2013*

*GL - second*

*CS - would also like to know what all the spaces are used as, and have them identified on the plan*

*MB - that's fine, but identification alone will not solve the change in level issue*

KS - need to address temporary CO

CS - temporary CO is contingent on the searchable database

*CS - site visit done to verify the location and usage of the searchable computer to be done prior to the May 20, 2013*

*MB - second – carries*

*MB - extend temporary CO for the use of the wine cellar at the basement level, until May 20, 2013, which is the date of the next Board Meeting, so that the Board can review the usability of the computer, at which time we can determine a potential further continuation*

*MT - second- carries*

*MB - expedite*

*MT - second – carries*

33) Hearing: Westfield City Hall, 59 Court Street, Westfield (V13-060)

WW - called to order at 3:10 p.m.

- introduce the Board

Harold Cutler, code consultant for the Westfield City Hall Design Team (HC)

Jonathan Flagg, Building Commissioner for City of Westfield (JF)

Daniel Paulotta, P-3, owner's project manager (DP)

WW - all sworn in  
- EXHIBIT – AAB1-50

HC - City is undertaking this project for major improvements on accessibility  
- due to recent energy improvements, have spent over 30%  
- plan which is also in your packet as AAB33, identifies the 6 entrances into the building  
- at present, Entrance 1 is used by persons in wheelchairs, but does not comply in full  
- Entrance 1 is being redesigned to be a switchback ramp  
- Entrances 2 and 3 are on the front historic façade of the building  
- Entrances 4 and 5 are similar with grade at intermediate level, with steps at both interior and exterior  
- cost of compliance, would be excessive and also require long exterior ramps and would lower the sills of the doors (AAB43, 44, 45 and 46)  
- Entrance 6, in between floor levels, interior and exterior steps, would also require demolition of portions of the foundation as well as lowering the sill and creation of expansive ramps

GL - where is the accessible parking now?  
HC - by Entrance 1, also best entrance that is closest to the elevator

MB - automatic door openers to mitigate clearance issues?  
HC - yes, they are in place now  
- clearances are still an issue

KS - automatic door openers are allowed by right for the lack of push and pull side clearances under 26.6 exception

CS - concern with Entrance 1 being only accessible entrance  
- AAB47, shows corridor from Entrance 1 to Veteran's Affairs, but unsure about Retirement Board  
- corridor is the blue area

HC - blue shading, shows the areas that will be accessible

CS - is there a door into the Retirement Board to access that space?  
HC – yes

CS - two other doors (10 and 11), are either one of these, any of the doors that are part of the variance request

HC - Door#1, into the stair; Door #3, exterior door at Entrance 4, Door #15 is at a corridor between Registry of Motor Vehicles Office  
- clear route will have access through Doors 10 and 11 from Entrance 1

(Tape)

HC - section of the corridor that is raised is still accessed by the lifts provided

CS - Entrance 1 is well lit?

DP - it is the primary entrance now into the building

CS - curb cuts?

HC - yes there are

CS - *grant the variances for the lack of access for the 5 inaccessible entrances, on the condition that Entrance 1 complies in full as proposed*

MT - *second –carries*

HC - primary issue with doors and doorways is that there are 8 doors where because of existing thickness of the existing masonry walls and the heavy trim around the doors, the required clearances are not provided

- basement level, Door #1 into stair (AAB27, outlines accessible route), recessed into the wall

- Door #3, exterior door at Entrance 4

- Door #15, into the Registry of Motor Vehicles area

- all three are recessed more than 6 inches

- operationally, these doors are most likely open during normal business hours

JF - yes, they are all open during business hours until 6 p.m.; after that they are egress only

MT - the door at the stair, isn't that likely to be closed since it is at a stair tower

HC - it is part of a stair closure, so would have to be kept closed or put on closing device in case of fire alarm sounding

MB - hardware will all be updated

HC - yes, they will all be compliant door hardware

MB - Door #15, door is recessed, but do all other aspects comply

HC - in this door, the adjacent wall is less than 18 inches at the latch pull side

MB - kept in an open position during business hours?

- may need auto-opener

JF - this area is only for road tests, not a full facility

MB - so probably need auto-opener at that door, then wouldn't have to worry about the door opening clearance

- HC - yes, and could also change the swing of the door
- WW - excessive cost or technological infeasibility
- DP - couldn't figure out a way to turn the door or move the door, pipes in that location above the door may prevent the installation of an automatic door opener  
- can go back and look at the doorway
- CS - *continue Door#15, to have the Petitioners submit a plan for making it compliant;*  
- *withdraw*  
- *deny the variance requested, must comply*
- MB - *second – carries*
- CS - *grant the variances to Doors 1 and 3*
- MB - *second – carries*
- HC - Doors 1, 8 and 11  
- Doors 1 and 8 separate the stairs from the landing off to the basement  
- Door 11 is a matter of thickness of the alcove
- MB - is Door 11 kept open?  
JF - yes it is
- MB - Treasurer's Office is not a public space?  
PC - all of financial services are collected at the Tax Collector Office
- CS - Assessor's Office, can't meet with people in the office?  
JF - yes, blue area is the public areas of the building
- CS - what is the width of the doors?  
HC - unsure, but they are wide doors
- MT - *grant all (Doors 1, 8, and 11), on the condition that Door 11 kept open during business hours*
- MB - *second – carries with CS opposed*
- HC - four second floor doors  
- Door #5, is individual leaf with a 31" opening, due to massive historic brass hinges at the doors  
- it is a secondary entrance into the space, since Door 10 is the primary entrance
- MB - is Door #5 the only clear width issue?  
HC - yes
- MT - Door #16 also has 31" width  
HC - Door #16, spoke with Nursing Staff of Clinic, staff is sensitive to access issue

- CS - concern is double leaf doors leading into Council Chambers at Door #5  
- accessible toilet room is closest to the accessible toilet room
- HC - issue is not the width of the door, it is the large hinges of the door historic
- DP - go through both doors, easier to go through the center, not a fixed door with levers, it is a double-hinged door  
- saloon doors, both 1" short
- JF - both of the doors swing in both directions easily  
- the doors historically by nature make a lot of noise, because they have to swing back into place
- HC - restriction is at the hinge (3 hinges in total), the restriction is 6 inches high
- DP - more work and less access to create single swing one direction
- HC - Door #10 is primary entrance into Council Chambers because of its location adjacent to the elevator, issue is the depth of the alcove at the push side at the interior
- HC - Door #16 only has 31", normally held open during business hours
- HC - Door #17, is to the counter area of the Health Department, not a width issue, issue of being recessed
- JF - Door #17 is kept open and it is a 36" door  
- flu shots given at the clinic
- MB - is Door #10 kept open during meetings?
- MB - grant relief on Door #5, due to historic nature of the door and the exc. cost without benefit*  
*MT - second – carries*
- MB - grant Doors#10, 16 and 17, based on the exc. cost without benefit, and on the condition that they are kept open during business hours*  
*MT - second – carries*
- CS - Media Room not open to the public?  
JF - yes, it is a secure room not open to the public
- MB - Personnel Department and Employee Benefits Office is not blue, so not accessible?  
- although this Board does not take jurisdiction over employee only spaces, this is a major renovation to the building, therefore should do those upgrades at this time
- HC - third floor, Door #8, less than 18" at latch pull side, because of surrounding walls



MT - would serve someone coming off the elevator and into Engineering Department  
HC - fire door that is part of the exit, will be held open on magnetic hold

*MB - grant Door #8, as proposed*

*MT - second – carries*

WW - stairs

HC - primary issue with respect to the stairs, are existing historic conditions  
- pictures at AAB39 and 40  
- Stairs A and E on AAB39, are the ornamental and primary front entrance stairs; noncompliant interior/center handrails, nosings, and wall side handrails; proposing to extend the handrails to the maximum extent possible

TH - that extension issue is allowed, due to the lack of space and/or safety hazard

MB - height of the existing interior handrail

HC - wall side handrail is 32"

*MB - grant the variance for the lack of compliance at the interior handrails at Stairs A, E and J*

*MT - second – carries*

*MB - grant the variance for the wall side handrails for Stairs A, E, and J, on the condition that updated as proposed, to provide extensions to the maximum extent feasible*

*MT - second – carries*

MB - nosings are troubling due to aging population and the trip hazard they present  
- have you looked at any way to mitigate the nosings

HC - extension of the tread and triangular piece of wood, creating the nosing  
- haven't looked at any alternatives to those noncompliant nosings

*MB - continue the discussion regarding the nosings at all noncompliant stairs, to have information regarding proposed methods of compliance to be submitted by May 31, 2013*

*GL - second – carries*

HC - AAB36, photographs of the historic stairs, 390A and 390E  
- handrails at these locations are pipe rails

*MB - continue discussion regarding exterior handrails for more information to be submitted by May 31, 2013*

*MT - second – carries*

KS - handrails at 390A and 390E

HC - handrails do not extend

DP - at the bottom there will be a lift to get to the upper landing  
- problem is that there is not enough room for the handrail extensions

*MB - grant the variance for the handrails at 390A and 390E*

*MT - second – carries*

CS - AAB37, shows Entrance 5, but does not appear to be any handrails

HC -there are extensions at Entrance 4, but there are not extensions at Entrance 5  
- the architect is proposing to create a handrail for this space

CS - what about a center handrail?

DP - continue?

*MB - continue this discussion to have submittal by May 31, 2013 for the handrails at Entrance 5*

*Interior Stair*

*CS - second – carries*

*MB - expedite*

*CS - second – carries*

34) Incoming Discussion: Commercial Building with Retail, 27 Prescott St., Lowell (V13-046)

TH - originally presented on April 22, 2013  
- originally submitted curb cut and sidewalk variance  
- new application submitted and met with the architect  
- over 30%  
- four variance requests  
- full set of executed plans for the project - EXHIBIT  
- site plan that shows the variance for the entrance on Prescott Street  
- less than 30 feet away is the accessible entrance to the elevator lobby

CS - where do the entrances lead?

TH - central hallway for noncompliant hallway  
- the accessible entrance serves the elevator lobby and then all other tenant spaces

*CS - grant the lack of access at the Prescott St., exc. cost without benefit*

*MB - second – carries*

TH - length of the rear grab bar is interrupted by structural beam in Toilet Rooms 318 and 319

MB - how far does it project out, and does it go floor-to-ceiling?

**- No More GL –**

*CS - grant the variance for the rear grabs 30.8*

*MB - second – carries*

TH - first floor toilet rooms, Toilet Rooms 118 and 115, don't meet the 72" x 90", they are L-shaped  
- they meet all of the clearances

*MB - grant for both bathrooms*

*MT - second – carries*

35) Incoming: Mason Street sidewalks, Boston (V13-099)

TH - in response to complaint C07-085  
- one of the original complaints from the Boston sidewalk complaints by Disability Policy Consortium  
- letter of support from Kristen McCosh in support of the variance request  
- three requests  
- first request, 22.2, width at lamp pole and fire hydrant and the face of the building, 33"

*MB - grant variance for 22.2*

*MT - second – carries*

TH - ramp slope 21.3, 80 Mason Street, 13% running slope  
- due to the geometry of the curb cut, a compliant slope is not feasible  
- originally proposed to remove, but people in the area are elderly (elderly housing at 80 Mason Street), want to maintain the curb cut

MB - couldn't move the curb cut?

TH - proposing compliant curb cuts, further down the street, this is an existing sidewalk that the residents wanted to keep; can provide compliant curb cuts at Avery Street  
- there must be something that is right there and a reason why they want that curb cut and cross walk there

TH - can't force them to do anything beyond the building

MB - as they do the sidewalk, are they elevating the sidewalk to meet the platform

*MB - motion to continue the curb cut in front of the elderly housing, to get more information on 4 feet level landing and the approach to it*

*CS - second – and need testimonials about why they don't want to remove that curb cut*

- carries

TH - another variance on landing size  
- issue with lack of full size landing 21.6.1

*MB - grant as proposed*

*CS - second –carries*

36) Discussion: MacDuffie School, 66 School St., Granby (V11-091)

TH - very long extension for installation of vertical access  
- status report with photographs – EXHIBIT

*CS - accept the status report*

*RG - second – carries*

37) Discussion: Minutes and Decisions from April 22, 2013

KS - minutes and decisions

*MB - accept minutes and decisions*

*WW - second for lack of appearance at the previous hearing*

*- carries with MT, CS, and RG abstaining from the vote due to lack of appearing at 4/22/13*

*hearing*

- End of Meeting -